

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Canistota School District
Accountability Review - Monitoring Report 2012-2013

Team Members: Linda Shirley, Team Leader; Donna Huber Education Specialist; Bev Petersen Transition Liaison, Becky Cain, Special Education Programs

Dates of On Site Visit: December 4, 2012

Date of Report: January 11, 2013

All non-compliance must be corrected within 1 year of this report date.

Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Division of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Division of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

24:05:30:05. Content of notice. The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;

24:05:25:03.04. Evaluation procedures -- **Notice.** The school district shall provide notice to the parents of a child with a disability, in accordance with this article, that describes any evaluation procedures the district proposes to conduct.

24:05:25:04.03. Determination of eligibility. Upon completing the administration of assessments and other evaluation measures as required by this chapter, the individual education program team and other qualified individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, and shall determine the educational needs of the child, as defined in this article. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. A student may not be determined to be a student with a disability if the determinant factor for that decision is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in ESEA, or lack of appropriate instruction in math or limited English proficiency and if the student does not otherwise meet the eligibility criteria under chapter § 24:05:24.01.

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include: (3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the

student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

(a) To advance appropriately toward attaining the annual goals; (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

ARSD 24:05:27:01.02. Development, review, and revision of individualized education program. In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, the academic, developmental, and functional needs of the student. The individualized education program team also shall:

(1) In the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior;

24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

(1) A statement of the student's present levels of academic achievement and functional performance, including:

(a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or

(b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;

(2) A statement of measurable annual goals, including academic and functional goals, designed to:

(a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and

(b) Meet each of the student's other educational needs that result from the student's disability;

For students with disabilities who take alternate assessments aligned to alternate achievement standards, each student's IEP shall provide a description of benchmarks or short-term objectives;

(3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student:

(a) To advance appropriately toward attaining the annual goals;

(b) To be involved and progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and

(c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

(4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;

(5) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments consistent with § 24:05:14:14. If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:

(a) The student cannot participate in the regular assessment; and

(b) The particular alternate assessment selected is appropriate for the student;

(6) The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications;

(7) A description of how the student's progress toward the annual goals described in this section will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

(8) Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP shall include:

(a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and

(b) The transition services (including courses of study) needed to assist the student in reaching those goals; and

Applicable ARSD and/or Compliance Indicator #: 8, 12

ARSD 24:05:30:15. Surrogate parents. Each school district shall establish procedures for the assignment of a surrogate parent to ensure that the rights of a child are protected if no parent, as defined in § 24:05:13:01, can be identified and the district, after reasonable effort, cannot locate a parent or if the child is a ward of the state or the child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007. A district's method for determining whether a child needs a surrogate parent must include the following:

(1) The identification of staff members at the district or building level responsible for referring students in need of a surrogate parent;

- (2) The provision of in-service training on the criteria in this section for determining whether a child needs a surrogate parent; and
- (3) The establishment of a referral system within the district for the appointment of a surrogate parent.

If a child is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, if the surrogate meets the requirements of this section.

The district superintendent or designee shall appoint surrogate parents.

The district shall ensure that a person selected as a surrogate has no personal or professional interest that conflicts with the interest of the child the surrogate represents and has knowledge and skills that ensure adequate representation of the child. The district is responsible for the training and certification of surrogate parents and shall maintain a list of persons who may serve as surrogate parents.

A person assigned as a surrogate may not be an employee of the department, district, or any other agency that is involved in the education or care of the child.

If a child is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents, without regard to the nonemployee provision above, until a surrogate parent can be appointed who meets all of the requirements of this section.

A person who otherwise qualifies to be a surrogate under the provisions of this section is not an employee of the agency solely because the person is paid by the agency to serve as a surrogate parent.

Corrective Action:

Prong 1 : Correct each individual case of noncompliance

Timeline for Completion: (50) calendars day from the report date listed above.

Student:	Required Action:	Data To Be Submitted:
The district has students that are wards of the state and a surrogate parent is not assigned to see the rights of a child are protected.	The district will review their policy, procedure and practices regarding assignment of surrogate parents. They shall establish procedures for the assignment of a surrogate parent to ensure that the rights of a child are protected. The comprehensive plan will be amended if necessary to address students not placed by a school district and the process that will be put in place to ensure every student in need of special education or special	A copy of the comprehensive plan will be sent to the team leader for approval. All students needing a surrogate parent for placement or annual IEP will be assigned. A list of all students requiring a surrogate parent will be sent to the team leader. Each student requiring a surrogate parent will have their IEP sent to the team leader for verification of

	education and related services has been assigned a surrogate parent.	surrogate.
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Prong 1 : Correct each individual case of noncompliance

Timeline for Completion: (50) calendars day from the report date listed above.

Student:	Required Action:	Data To Be Submitted:
<p>Student File # 1: This student was reported on child count under the category of Specific Learning Disability (525) for listening comprehension. During the last 3-year reevaluation she was classified as OHI 555 for ADHD. When completing the prior notice for reevaluation the diagnosis of ADHD was not pulled forward to consider for eligibility. There were no skill based assessments completed for listening comprehension. The student qualified in listening comprehension. The IEP is not written to show educational benefit in the area of disability. Present Levels of Academic Achievement and Functional Performance (PLAAFs) do not show any strengths or needs for the area of disability. There are no goals for listening comprehension in the IEP. Goals addressed are math, writing and behavior. In the consideration of special factors under behavior impede learning it is checked yes; however there are no positive behavioral interventions or supports listed. The description of services addresses math and behavior, not listening comprehension. Justification of placement was not correct.</p>	<p>The district will review their policy, procedure and practice for completing the prior notice for evaluation for students being considered for evaluation for special education.</p> <p>The district must acquire consent to conduct additional evaluation to ensure a comprehensive evaluation is completed for each category of suspected disability for each student. Skill based assessments must be given for each area the student qualifies for. Evaluation reports must be written and copies provided to parents. The IEP team must meet to determine eligibility; reviews the skill based assessments, and amends the current IEP, or write a new IEP to reflect current evaluation and eligibility data. The IEP must show educational benefit in the area of disability.</p>	<p>The district will send a written document with their policy, procedure and practice for prior notice for evaluations.</p> <ol style="list-style-type: none"> 1. The prior notice/consent for evaluation 2. Copies of all the evaluation reports including skill based assessment and documentation of medical records. 3. Copy of the prior notice for the eligibility/IEP meeting 4. Copy of the MDT/eligibility document if needed and; 5. Copy of the IEP 6. Copy of the prior notice for the meeting.
<p>Date Data Submitted:</p> <p>Status:</p>		

Prong 1 : Correct each individual case of noncompliance

Timeline for Completion: (50) calendars day from the report date listed above.

Student:	Required Action:	Data To Be Submitted:
Student Files # 2: This student was reported on child count under the category of Specific Learning Disability (525). The IEP states the student will graduate on 5/25/12. The student did not have enough credits to graduate and is attending school. The IEP was not amended for a new graduation date or course of study.	The team will meet and amend the IEP to show correct transition activities for this student.	<ol style="list-style-type: none"> 1. Copy of the meeting notice 2. Copy of the IEP 3. Copy of prior notice for meeting
Date Data Submitted:		
Status:		

Prong 1 : Correct each individual case of noncompliance

Timeline for Completion: (50) calendars day from the report date listed above.

Student:	Required Action:	Data To Be Submitted:
Student File # 4 This student was reported on child count under the category of Specific Learning disability (525). The person responsible for carrying out the goals was not listed, and there were no procedural codes marked. The justification statement was not completed correctly.	The IEP team will meet, review and amend the IEP to show who is responsible for each goal, list procedural codes and complete the justification statement correctly.	<ol style="list-style-type: none"> 1. Prior notice for scheduling the meeting 2. IEP/addendum for student 3. Prior notice for meeting
Date Data Submitted:		
Status:		

Prong 1 : Correct each individual case of noncompliance

Timeline for Completion: (50) calendars day from the report date listed above.

Student:	Required Action:	Data To Be Submitted:
Student File # 5: This student was reported on child count under the category of Autism (560). The student is taking the alternate assessment and there are no short term objectives to show this student is in need of the alternate assessment.	The IEP team will meet and amend the IEP to show short term objectives for each goal area. The justification statement will be revised using the accept reject format.	<ol style="list-style-type: none"> 1. Copy of the meeting notice 2. Copy of the amended IEP 3. Copy of prior notice for meeting

The justification statement did not use the accept reject format.		
Date Data Submitted: Status:		

Prong 1 : Correct each individual case of noncompliance Timeline for Completion: (50) calendars day from the report date listed above.		
Student:	Required Action:	Data To Be Submitted:
Student File # 7: This student was reported on child count under the category of Multiple Disability (530). A prior notice was not found for the meeting and it could not be determined if the student had been invited for transition services. No transition assessment was completed for this student. The PLAFFs did not list strengths or needs in all areas affected by the disability. The PLAAFs did not list transition strengths/needs. A behavior plan was stated to be attached and none was found for the student. The description of services was not broken down into specific areas. The justification statement did not use the accept reject format.	The district must acquire consent to conduct a transition evaluation to ensure a comprehensive evaluation is completed. Evaluation reports must be written and copies provided to parents. The IEP team must meet to write a new IEP to reflect current evaluation and eligibility data. All areas out of compliance in the IEP must be corrected.	<ol style="list-style-type: none"> 1. The prior notice/consent for evaluation 2. Copies of the transition evaluation report. 3. Copy of the prior notice for IEP meeting 4. Copy of the IEP 5. Copy of the prior notice for the meeting.
Date Data Submitted: Status:		
Prong 1 : Correct each individual case of noncompliance Timeline for Completion: (50) calendars day from the report date listed above.		
Student:	Required Action:	Data To Be Submitted:
Student File # 8: This student was reported on child count under the category of Specific Learning Disability (525). The justification statement did not address an explanation of the extent to which the child would not participate with non-disabled children in the regular classroom.	The IEP team needs to meet and amend the IEP to show a justification statement that explains the extent which the child will not participate with non-disabled children in the regular classroom.	<ol style="list-style-type: none"> 1. Copy of the meeting notice 2. Copy of the amended IEP 3. Copy of prior notice for meeting
Date Data Submitted: Status:		

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.

Required Action:

The district must review and update its policy, procedure and practice regarding the following:

- Defining the team who will determine if evaluation is necessary and determination of suspected category(s) of disability.
- Individuals responsible for the completion of prior notice/consent and evaluations needed for the purpose of determining eligibility.
- Development of evaluation reports that must be provided to parents including administering and reporting skill based assessment.
- Determining eligibility and completing the eligibility documents.
- Developing an IEP that provides educational benefit.

The district will receive technical assistance regarding these issues noted in this report.

Data To Be Submitted:

Each teacher who was the case manager for these students will submit an initial or reevaluation with the following documentation:

1. Referral document if applicable
2. The prior notice/consent for evaluation
3. Copies of **all** the evaluation reports including skill based assessment and transition if applicable
4. Copy of the prior notice for the eligibility/IEP meeting/transfer
5. Copy of the MDT/eligibility document and;
6. Copy of the IEP

The training date, instructor and participants will be documented and submitted to the team leader to verify technical assistance was provided.

Target Date for Completion: May 2013

Date - Status Report:

State Performance Plan – Performance Indicators

C) Percent of children with IEPs served in public or private separate school, residential placements, homebound or hospital placements. (F = Out of District placement facility students are included on the child count)

State Target: 3.8% or lower

District Rate: 8.57%

District Response:

Three students attended school outside of the Canistota School District because of the severity of the disability and/or behaviors. One student transitioned back to the Canistota District in the beginning of the 2012/2013 school year. Another student was discharged from a residential unit, but continues to attend a separate day school. During the 2012-2013 school year, the team's goal is to have him transition to either Bridgewater, which is his home school, or Canistota through open enrollment. The third student will continue to attend a specialty school due to the severity of his disabilities.

Indicator 8: Parent involvement: percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. (L = Response rate less than 15% of December 1, 2008 child count)

State Target 64.20 or higher

District Rate: 96.9%**District Response:**

The special education teachers and speech pathologist have the parent or guardian fill out the South Dakota Parent Involvement Survey at the 3 year reevaluation or annual IEP meetings.